

(By unanimous consent, Mr. HALL was allowed to proceed for 2 additional minutes.)

Mr. HALL. Mr. Chairman, the Navy is authorized to invest and fund 76 percent of all oceanographic studies. There is a separate Institute on Oceanography, it is chaired by the Navy. Then we have the Oceanographic Institutes. I believe there is one in San Diego, and I think there is one additional one which we use as a laboratory, and which we fund in authorized appropriations for consultation to the Oceanographic Institute, and the intergovernmental oceanographic agencies.

To go on down the list here is perhaps useless. I think I have made my point, and I simply throw out a warning that in the blessed name of science and research, and in spite of the importance and need of garnering onto ourselves line item review of essential projects—and I compliment the committee for doing that—; that we constantly be alert less we do invade the jurisdiction of other committees, but even more so that we double expenses from the taxpayers' pocket in research that redounds without producing benefit.

I believe that one cannot go further this time, although one can continue going through item by item as, indeed, I have in the report, and marked pluses or minuses on every one of the authorizations that are set out here, I think it serves no purpose except to alert and put on notice those who have garnered unto themselves that they must at all expenses avoid duplication, additive work, unnecessary research that overlaps, and, above all, read history to see if the needed knowledge is available before the research is authorized.

Mr. FULTON of Pennsylvania. Mr. Chairman, will the gentleman yield?

Mr. HALL. I yield to the gentleman from Pennsylvania.

Mr. FULTON of Pennsylvania. Mr. Chairman, I would like to compliment the gentleman on making an excellent point. Our Committee on Science and Astronautics has tried to prevent overlap, particularly in the Department of Defense, and the National Institutes of Health, and some progress has been made by the new Secretary of the Air Force. We have been so much opposed toward putting a program under the DOT and the Air Force for a manned orbiting laboratory, and then a program of very similar nature under NASA for a manned orbiting laboratory. That manned orbiting laboratory program has not been canceled. I believe we should go forward, as the gentleman said, and make sure on these line-by-line items that we will provide adequate research but no duplication.

Mr. HALL. Mr. Chairman, I thank the gentleman for his contribution. I would only add one sentence, and that is that the statement of the gentleman from Pennsylvania is true if, it is within the bounds of military security, which cannot be here discussed.

(Mr. HALL asked and was given permission to revise and extend his remarks.)

The CHAIRMAN. The time of the gentleman from Missouri has expired.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly, the Committee rose; and the Speaker having resumed the chair, Mr. CHARLES H. WILSON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee having had under consideration the bill (H.R. 10878) to authorize appropriations for activities of the National Science Foundation, and for other purposes, pursuant to House Resolution 475, he reported the bill back to the House with sundry amendments adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced the ayes appeared to have it.

Mr. FULTON of Pennsylvania. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Doorkeeper will close the doors, the Sergeant at Arms will notify absent Members, and the Clerk will call the roll.

The question was taken; and there were—yeas 384, nays 5, not voting 42, as follows:

[Roll No. 207]

YEAS—384

Abernethy	Burke, Fla.	Dennis
Adair	Burke, Mass.	Dent
Adams	Burleson, Tex.	Derwinski
Adabbo	Burrisson, Mo.	Dickinson
Alexander	Burton, Calif.	Digge
Anderson, Calif.	Bush	Dingell
Anderson, Ill.	Button	Donohue
Andrews, Ala.	Byrne, Pa.	Dorn
Andrews, N. Dak.	Byrnes, Wis.	Dowdy
Annunzio	Cabell	Downing
Arends	Caffery	Dulski
Ashbrook	Camp	Duncan
Ashley	Carter	Dwyer
Aspinall	Casey	Eckhardt
Ayres	Cederberg	Edmondson
Barling	Celler	Edwards, Ala.
Barrett	Chamberlain	Edwards, Calif.
Beall, Md.	Chappell	Edwards, La.
Belcher	Clancy	Ellberg
Bell, Calif.	Clark	Erlenborn
Bennett	Clausen	Esch
Betts	Don H.	Eshleman
Bevill	Clawson, Del.	Evans, Colo.
Blaggi	Clay	Evins, Tenn.
Blester	Cleveland	Fallon
Blackburn	Cohelan	Farbstein
Blanton	Coiller	Fascell
Blatnik	Collins	Feighan
Boggs	Colmer	Findley
Boland	Conable	Fish
Bolling	Conte	Fisher
Bow	Conyers	Flood
Brademas	Corbett	Flowers
Bray	Corman	Foley
Brinkley	Coughlin	Ford, Gerald R.
Brock	Cowger	Ford,
Broomfield	Cramer	William D.
Brotzman	Culver	Fountain
Brown, Mich.	Daddario	Fraser
Brown, Ohio	Daniel, Va.	Frelinghuysen
Broyhill, N.C.	Daniels, N.J.	Frey
Broyhill, Va.	Davis, Ga.	Friedel
Buchanan	de la Garza	Fulton, Pa.
	Delaney	Fulton, Tenn.
	Dellenback	Fuqua

Califanakis	McMillan
Gallagher	Macdonald,
Garmatz	Mass.
Gaydos	MacGregor
Gettys	Madden
Glafiro	Mahon
Gibbons	Mailliard
Gilbert	Marsh
Gonzalez	Martin
Goodling	Mathias
Gray	Matsunaga
Green, Oreg.	May
Green, Pa.	Mayne
Griffin	Meeds
Griffiths	Melcher
Grover	Meskill
Gubser	Michel
Gude	Mikva
Hagan	Miller, Calif.
Haley	Miller, Ohio
Hamilton	Mills
Hammer-	Minish
schmidt	Mink
Hanley	Minshall
Hanna	Mize
Hansen, Idaho	Mizell
Hansen, Wash.	Mollohan
Harsha	Monagan
Harvey	Montgomery
Hathaway	Moorhead
Hawkins	Morgan
Hays	Morse
Hechler, W. Va.	Morton
Heckler, Mass.	Mosher
Helstoski	Moss
Henderson	Murphy, Ill.
Hicks	Murphy, N.Y.
Hogan	Myers
Hollfield	Natcher
Horton	Nedzi
Hosmer	Nelsen
Hull	Nichols
Hungate	Nix
Hunt	Obeys
Hutchinson	O'Hara
Ichord	Olsen
Jacobs	O'Neal, Ga.
Jarman	O'Neill, Mass.
Johnson, Calif.	Ottinger
Johnson, Pa.	Passman
Jonas	Patman
Jones, Ala.	Patten
Jones, N.C.	Pepper
Jones, Tenn.	Perkins
Karth	Pettis
Kastenmeier	Philbin
Kazen	Pickle
Keith	Pike
King	Pirnie
Kleppe	Poage
Kluczynski	Podell
Koch	Poff
Kuykendall	Pollock
Kyl	Preyer, N.C.
Kyros	Price, Ill.
Landrum	Price, Tex.
Langen	Pryor, Ark.
Latta	Pucinski
Leggett	Purcell
Lennon	Quile
Lloyd	Quillen
Long, La.	Rallsback
Long, Md.	Randall
Lowenstein	Rarick
Lujan	Reid, Ill.
Lukens	Reid, N.Y.
McCarthy	Reifel
McClory	Reuss
McCloskey	Riegle
McCulloch	Rivers
McDade	Roberts
McDonald,	Robison
Mich.	Rodino
McEwen	Rogers, Colo.
McFall	Rogers, Fla.
McKneally	Rooney, N.Y.

NAYS—5

Devine	Hall	Saylor
Gross	O'Konski	

NOT VOTING—42

Abbott	Dawson	Mann
Albert	Denney	Pelly
Anderson, Tenn.	Flynt	Powell
Berry	Foreman	Rees
Bingham	Goldwater	Rhodes
Brasco	Halpern	Rosenthal
Brooks	Harrington	St. Onge
Brown, Calif.	Hastings	Schneebell
Burton, Utah	Hebert	Stephens
Cahill	Howard	Stuckey
Carey	Kee	Tunney
Chisholm	Kirwan	Whalley
Cunningham	Landgrebe	Yatron
Davis, Wis.	Lipscomb	
	McClure	

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So the bill was passed.  
The Clerk announced the following pairs:

Mr. Hébert with Mr. Rhodes.  
Mr. Brasco with Mr. Halpern.  
Mr. Albert with Mr. Berry.  
Mr. Kirwan with Mr. Schneebell.  
Mr. Tunney with Mr. Pelly.  
Mr. Corey with Mr. Cahill.  
Mr. St. Onge with Mr. Burton of Utah.  
Mr. Rosenthal with Mr. Whalley.  
Mr. Howard with Mr. Cunningham.  
Mr. Abbott with Mr. Landgrebe.  
Mr. Anderson of Tennessee with Mr. Denney.  
Mr. Brooks with Mr. Davis of Wisconsin.  
Mr. Flynt with Mr. Foreman.  
Mr. Brown of California with Mr. Hastings.  
Mr. Mann with Mr. Goldwater.  
Mr. Stuckey with Mr. Lipscomb.  
Mr. Yatron with Mr. McClure.  
Mr. Rees with Mr. Powell.  
Mr. Harrington with Mrs. Chisholm.  
Mr. Kee with Mr. Dawson.  
Mr. Bingham with Mr. Stephens.

The result of the vote was announced as above recorded.

The doors were opened.

A motion to reconsider was laid on the table.

Mr. DADDARIO. Mr. Speaker, I ask unanimous consent for the immediate consideration of S. 1857, to authorize appropriations for activities of the National Science Foundation pursuant to Public Law 81-507, as amended, a Senate bill similar to that just passed by the House.

The Clerk read the title of the Senate bill.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

The Clerk read the Senate bill, as follows:

S. 1857

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1970, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, \$487,150,000.

Sec. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligations, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

Sec. 3. Section 14 of the National Science Foundation Act of 1950, as amended by Public Law 90-407 (82 Stat. 360), is amended by adding to the end thereof the following new subsection:

"(1) Notwithstanding any other provision of law, the authorization of any appropriation to the Foundation shall expire (unless an earlier expiration is specifically provided) at the close of the third fiscal year following the fiscal year for which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made."

Sec. 4. Appropriations made pursuant to this Act may be used, but not to exceed \$2,500, for official reception and representation expenses upon the approval or authority of the Director, and his determination shall be final and conclusive upon the accounting officers of the Government.

Sec. 5. In addition to such sums as are authorized by section 1 hereof, not to exceed \$3,000,000 is authorized to be appropriated

for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

Sec. 6. Notwithstanding any provision of the National Science Foundation Act of 1950, or any other provision of law, the Director of the National Science Foundation shall keep the Committee on Science and Astronautics of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

Sec. 7. This Act may be cited as the "National Science Foundation Act Amendments of 1969."

AMENDMENT OFFERED BY MR. DADDARIO

Mr. DADDARIO. Mr. Speaker, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. DADDARIO: Strike out all after the enacting clause of the bill S. 1857 and insert in lieu thereof the provisions of H.R. 10878, as passed, as follows:

"That there is hereby authorized to be appropriated to the National Science Foundation for the fiscal year ending June 30, 1970, to enable it to carry out its powers and duties under the National Science Foundation Act of 1950, as amended, and under title IX of the National Defense Education Act of 1958, out of any money in the Treasury not otherwise appropriated, \$474,305,000.

"Sec. 2. Appropriations made pursuant to authority provided in section 1 shall remain available for obligation, for expenditure, or for obligation and expenditure, for such period or periods as may be specified in Acts making such appropriations.

"Sec. 3. Appropriations made pursuant to this Act may be used, but not to exceed \$2,500, for official reception and representation expenses upon the approval or authority of the Director, and his determination shall be final and conclusive upon the accounting officers of the Government.

"Sec. 4. In addition to such sums as are authorized by section 1 hereof, not to exceed \$3,000,000 is authorized to be appropriated for expenses of the National Science Foundation incurred outside the United States to be paid for in foreign currencies which the Treasury Department determines to be excess to the normal requirements of the United States.

"Sec. 5. Notwithstanding any other provision of law, the authorization of any appropriation to the National Science Foundation shall expire (unless an earlier expiration is specifically provided) at the close of the first fiscal year following the fiscal year in which the authorization was enacted, to the extent that such appropriation has not theretofore actually been made.

"Sec. 6. Notwithstanding any provision of the National Science Foundation Act of 1950, or any other provision of law, the Director of the National Science Foundation shall keep the Committee on Science and Astronautics of the House of Representatives and the Committee on Labor and Public Welfare of the Senate fully and currently informed with respect to all of the activities of the National Science Foundation.

"Sec. 7. If any institution of higher education determines, after affording notice and opportunity for hearing to an individual attending or employed by such institution—

"(a) that such individual has, after the date of the enactment of this act, willfully refused to obey a lawful regulation or order of such institution and that such refusal was of a serious nature and contributed to the disruption of the administration of such institution; or

"(b) that such individual has been convicted in any Federal, State, or local court

of competent jurisdiction of inciting, promoting, or carrying on a riot, or convicted of any group activity resulting in material damage to property, or injury to persons, found to be in violation of Federal, State, or local laws designed to protect persons or property in the community concerned; then the institution shall deny any further payments to or for the benefit of such individual which (but for this section) would be due or payable to such individual and no part of any funds appropriated pursuant to this Act shall be available for the payment of any amount (as salary, as a loan or grant, or otherwise) to such individual.

"Sec. 8. This Act may be cited as the "National Science Foundation Authorization Act, 1970."

Amend the title so as to read: "An Act to authorize appropriations for activities of the National Science Foundation, and for other purposes."

The amendment was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title was amended so as to read: "To authorize appropriations for activities of the National Science Foundation, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 10878) was laid on the table.

#### GENERAL LEAVE

Mr. DADDARIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Connecticut?

There was no objection.

#### ELECTION TO STANDING COMMITTEE

Mr. GERALD R. FORD. Mr. Speaker, I offer a privileged resolution (H. Res. 571) and ask for its immediate consideration.

The Clerk read the resolution as follows:

H. RES. 571

"Resolved, That Charlotte T. Reid, of Illinois, be and she is hereby elected a member of the standing committee of the House of Representatives on Standards of Official Conduct."

The resolution was agreed to.

A motion to reconsider was laid on the table.

#### Bill Title AMENDING SUBCHAPTER III OF CHAPTER 83, TITLE 5, UNITED STATES CODE—CIVIL SERVICE RETIREMENT

Mr. DANIELS of New Jersey. Mr. Speaker, I ask unanimous consent to take from the Speaker's desk the bill (H.R. 9825) to amend subchapter III of chapter 83 of title 5, United States Code, relating to civil service retirement, and for other purposes, with a Senate amendment thereto, and concur in the Senate amendment.

The Clerk read the title of the bill.

The Clerk read the Senate amendment, as follows:

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Strike out all after the enacting clause and insert: That this Act may be cited as the "Civil Service Retirement Amendments of 1969".

# TITLE I—CIVIL SERVICE RETIREMENT FINANCING

Sec. 101. Section 8331 of title 5, United States Code, is amended—

(1) by striking out "and" at the end of paragraph (15);

(2) by striking out the period at the end of paragraph (16) and inserting a semicolon in lieu thereof; and

(3) by adding immediately below paragraph (16) the following new paragraphs:

"(17) 'normal cost' means the entry-age normal cost computed by the Civil Service Commission in accordance with generally accepted actuarial practice and expressed as a level percentage of aggregate basic pay;

"(18) 'Fund balance' means the sum of—  
"(A) the investments of the Fund calculated at par value; and

"(B) the cash balance of the Fund on the books of the Treasury; and

"(19) 'unfunded liability' means the estimated excess of the present value of all benefits payable from the Fund to employees and Members and former employees and Members, subject to this subchapter, and to their survivors, over the sum of—  
"(A) the present value of deductions to be withheld from the future basic pay of employees and Members currently subject to this subchapter and of future agency contributions to be made in their behalf; plus

"(B) the present value of Government payments to the Fund under section 8348(f) of this title; plus

"(C) the Fund balance as of the date the unfunded liability is determined."

Sec. 102. (a) Section 8334 of title 5, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) (1) The employing agency shall deduct and withhold 7 percent of the basic pay of an employee, 7½ percent of the basic pay of a Congressional employee, and 8 percent of the basic pay of a Member. An equal amount shall be contributed from the appropriation or fund used to pay the employee or, in the case of an elected official, from an appropriation or fund available for payment of other salaries of the same office or establishment. When an employee in the legislative branch is paid by the Clerk of the House of Representatives, the Clerk may pay from the contingent fund of the House the contribution that otherwise would be contributed from the appropriation or fund used to pay the employee.

"(2) The amounts so deducted and withheld, together with the amounts so contributed, shall be deposited in the Treasury of the United States to the credit of the Fund under such procedures as the Comptroller General of the United States may prescribe. Deposits made by an employee or Member also shall be credited to the Fund."; and

(2) by amending subsection (c) to read as follows:

"(c) Each employee or Member credited with civilian service after July 31, 1920, for which retirement deductions or deposits have not been made, may deposit with interest an amount equal to the following percentages of his basic pay received for that service:

"Percentage of basic pay:

Employee:	Service period
2½-----	August 1, 1920, to June 30, 1926.
3½-----	July 1, 1926, to June 30, 1942.
5-----	July 1, 1942, to June 30, 1948.
6-----	July 1, 1948, to October 31, 1956.
6½-----	November 1, 1956, to December 31, 1969.
7-----	After December 31, 1969.

Member or employee for congressional employee service:

2½-----	August 1, 1920, to June 30, 1926.
3½-----	July 1, 1926, to June 30, 1942.
5-----	July 1, 1942, to June 30, 1948.
6-----	July 1, 1948, to October 31, 1956.
6½-----	November 1, 1956, to December 31, 1969.
7½-----	After December 31, 1969.

Member for Member service:

2½-----	August 1, 1920, to June 30, 1926.
3½-----	July 1, 1926, to June 30, 1942.
5-----	July 1, 1942, to August 1, 1946.
6-----	August 2, 1946, to October 31, 1956.
7½-----	November 1, 1956, to December 31, 1969.
8-----	After December 31, 1969.

Notwithstanding the foregoing provisions of this subsection, the deposit with respect to a period of service referred to in section 8332 (b) (6) of this title performed before January 1, 1969, shall be an amount equal to 55 percent of a deposit computed in accordance with such provisions."

(b) The amendment made by subsection (a) (1) of this section shall become effective at the beginning of the first applicable pay period beginning after December 31, 1969.

Sec. 103. (a) Section 8348 of title 5, United States Code, is amended—

(1) by amending subsection (a) to read as follows:

"(a) There is a Civil Service Retirement and Disability Fund. The Fund—

(1) is appropriated for the payment of—

"(A) benefits as provided by this subchapter; and

"(B) administrative expenses incurred by the Civil Service Commission in placing in effect each annuity adjustment granted under section 8340 of this title; and

"(2) is made available, subject to such annual limitation as the Congress may prescribe, for any expenses incurred by the Commission in connection with the administration of this chapter and other retirement and annuity statutes."; and

(2) by striking out subsections (f) and (g) and inserting in lieu thereof:

"(f) Any statute which authorizes—

"(1) new or liberalized benefits payable from the Fund, including annuity increases other than under section 8340 of this title;

"(2) extension of the coverage of this subchapter to new groups of employees; or

"(3) increases in pay on which benefits are computed;

is deemed to authorize appropriations to the Fund to finance the unfunded liability created by that statute, in 30 equal annual installments with interest computed at the rate used in the then most recent valuation of the Civil Service Retirement System and with the first payment thereof due as of the end of the fiscal year in which each new or liberalized benefit, extension of coverage, or increase in pay is effective.

"(g) At the end of each fiscal year, the Commission shall notify the Secretary of the Treasury of the amount equivalent to (1) interest on the unfunded liability computed for that year at the interest rate used in the then most recent valuation of the System, and (2) that portion of disbursement for annuities for that year which the Commission estimates is attributable to credit allowed for military service. Before closing the accounts for each fiscal year, the Secretary shall credit to the Fund, as a Government contribution, out of any money in the Treasury of the United States not otherwise appropriated, the following percentages of such amounts: 10 percent for 1971; 20 percent for 1972; 30 percent for 1973; 40 percent for 1974; 50 percent for 1975; 60 percent for 1976; 70 percent for 1977; 80 percent for 1978; 90 per-

cent for 1979; and 100 percent for 1980 and for each fiscal year thereafter. The Commission shall report to the President and to the Congress the sums credited to the Fund under this subsection."

(b) (1) The provisions of subsection (g) of section 8348 of title 5, United States Code, as contained in the amendment made by subsection (a) (2) of this section, shall become effective at the beginning of the fiscal year which ends on June 30, 1971.

(2) Paragraph (1) of this subsection shall not be held or considered to continue in effect after the enactment of this Act the provisions of section 8348(g) of title 5, United States Code, as in effect immediately prior to such enactment.

Sec. 104. Section 1308(c) of title 5, United States Code, is amended by striking out "on a normal cost plus interest basis".

Sec. 105. The proviso under the heading "Civil Service Commission" and under the subheading "Payment to Civil Service Retirement and Disability Fund" in title I of the Independent Offices Appropriation Act, 1962 (75 Stat. 346; Public Law 87-141), is repealed.

# TITLE II—CIVIL SERVICE RETIREMENT BENEFITS

Sec. 201. (a) Paragraph (4) (A) of section 8331 of title 5, United States Code, is amended to read as follows:

"(A) over any 3 consecutive years of creditable service or, in the case of an annuity under subsection (d) or (e) (1) of section 8341 of this title based on service of less than 3 years, over the total service; or".

(b) Subsection (c) of section 8333 of title 5, United States Code, is amended to read as follows:

"(c) A Member or his survivor is eligible for an annuity under this subchapter only if the amounts named by section 8334 of title 5 have been deducted or deposited with respect to his last five years of civilian service, or, in the case of a survivor annuity under section 8341(d) or (e) (1) of this chapter, with respect to his total service."

Sec. 202. Subsection (g) of section 8334 of title 5, United States Code, is amended—

(1) by striking out the word "or" at the end of paragraph (3);

(2) by striking out the period at the end of paragraph (4) and inserting in lieu thereof a semicolon and the word "or"; and

(3) by adding the following new paragraph immediately below paragraph (4):

"(5) days of unused sick leave credited under section 8339(m) of this title."

Sec. 203. Section 8339 of title 5, United States Code, is amended—

(1) by striking out of subsection (b) the words "so much of his service as a Congressional employee and his military service as does not exceed a total of 15 years" and inserting in lieu thereof "his service as a Congressional employee, his military service not exceeding 5 years";

(2) by amending subsection (c) (2) to read as follows:

"(2) his Congressional employee service";

(3) by striking out the last full sentence of subsection (f);

(4) by striking out "(excluding any increase because of retirement under section 8337 of this title)" in subsection (i); and

(5) by adding at the end thereof the following new subsection:

"(m) In computing any annuity under subsections (a)–(d) of this section, the total service of an employee who retires on an immediate annuity or dies leaving a survivor or survivors entitled to annuity includes, without regard to the limitations imposed by subsection (e) of this section, the days of unused sick leave to his credit under a formal leave system, except that these days will not be counted in determining average pay or annuity eligibility under this subchapter."

Sec. 204. (a) Subsection (b) of section 8340 of title 5, United States Code, is amended by inserting "1 percent plus" immediately after the word "by".

(b) Subsection (c) (2) of such section is amended to read as follows:

"(2) For the purpose of computing the annuity of a child under section 8341(e) of this title that commences on or after the first day of the first month that begins on or after the date of enactment of the Civil Service Retirement Amendments of 1969, the items \$900, \$1,080, \$2,700, and \$3,240 appearing in section 8341(e) of this title shall be increased by the total percent increases allowed and in force under this section on or after such day and, in case of a deceased annuitant, the items 60 percent and 75 percent appearing in section 8341(e) of this title shall be increased by the total percent allowed and in force to the annuitant under this section on or after such day."

Sec. 205. The provisions of subsection (b) (1), (d) (3), and (g) of section 8341 of title 5, United States Code, also shall apply in the case of any widow or widower—

(1) of an employee who died, retired, or was otherwise finally separated before July 18, 1966;

(2) who shall have remarried on or after such date; and

(3) who, immediately before such remarriage, was receiving annuity from the Civil Service Retirement and Disability Fund;

except that no annuity shall be paid by reason of this section for any period prior to the enactment of this section. No annuity shall be terminated solely by reason of the enactment of this section. Notwithstanding the prohibition contained in the first sentence of this section on the payment of annuity for any period prior to the enactment of this section, in any case in which the Civil Service Commission determines that—

(1) the remarriage of any widow or widower described in such sentence was entered into by the widow or widower in good faith and in reliance on erroneous information provided by Government authority prior to that remarriage that the then existing survivor annuity of the widow or widower would not be terminated because of the remarriage; and

(2) such annuity was terminated by law because of that remarriage;

then payment of annuity may be made by reason of this section in such case, beginning as of the effective date of the termination because of the remarriage.

Sec. 206. (a) The first sentence of subsection (d) of section 8341 of title 5, United States Code, is amended to read as follows: "If an employee of Member dies after completing at least 18 months of civilian service, the widow or dependent widower of the employee or Member is entitled to an annuity equal to 55 percent of an annuity computed under section 8339 (a)-(e) and (h) of this title as may apply with respect to the employee or Member, except that in the computation of the annuity under such section, the annuity of the employee or Member shall be at least the smaller of (1) 40 percent of his average pay, or (2) the sum obtained under such section after increasing his service of the type last performed by the period elapsing between the date of death and the date he would have become 60 years of age."

(b) Subsection (e) (1) of such section is amended to read as follows:

"(e) (1) If an employee or Member dies after completing at least 18 months of civilian service, or an employee or Member dies after retiring under this subchapter, and is survived by a spouse, each surviving child is entitled to an annuity equal to the smallest of—

"(A) 60 percent of the average pay of the employee or Member divided by the number of children;

"(B) \$900; or

"(C) \$2,700 divided by the number of children; subject to section 8340 of this title. If the employee or Member is not survived by a spouse, each surviving child is entitled to an annuity equal to the smallest of—

"(1) 75 percent of the average pay of the employee or Member divided by the number of children;

"(2) \$1,080; or

"(3) \$3,240 divided by the number of children; subject to section 8340 of this title."

Sec. 207. (a) The amendments made by sections 201, 202, 203, and 206(a) of this Act shall not apply in the cases of persons retired or otherwise separated prior to the date of enactment of this Act, and the rights of such persons and their survivors shall continue in the same manner and to the same extent as if such sections had not been enacted.

(b) The amendments made by section 204(a) of this Act to section 8340 of title 5, United States Code, shall apply only to annuity increases which become effective under such section 8340 after the date of enactment of this Act.

(c) (1) The amendment made by section 206(b) of this Act shall become effective on the first day of the first month which begins on or after the date of enactment of this Act.

(2) The annuity of each surviving child who, immediately prior to the effective date of such amendment is receiving an annuity under section 8341(e) of title 5, United States Code, or under a comparable provision of any prior law, or who hereafter becomes entitled to receive annuity under the Act of May 29, 1930, as amended from and after February 28, 1943, shall be recomputed effective on such date, or computed from commencing date if later, in accordance with such amendment. No increase allowed and in force prior to such date shall be included in the computation or recomputation of any such annuity. This paragraph shall not operate to reduce any annuity.

Mr. DANIELS of New Jersey (during the reading). Mr. Speaker, I ask unanimous consent that the further reading of the Senate amendment be dispensed with and that it be printed in the Record.

The SPEAKER. Without objection, it is so ordered.

There was no objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey (Mr. DANIELS)?

Mr. GROSS. Mr. Speaker, reserving the right to object, and I do so in order that we may have an explanation of the action of the other body with respect to this legislation and to ask a few questions of the gentleman from New Jersey.

Particularly, Mr. Speaker, I would like to know what additional benefits the other body put into this bill and whether the costs of the additional benefits are covered?

Mr. DANIELS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. GROSS. I yield to the gentleman.

Mr. DANIELS of New Jersey. I shall be happy to explain.

The Senate amended the House bill, H.R. 9825, by striking all language following the enacting clause and inserting the language of S. 2754, as amended.

The Senate amendment retains all of the provisions of the House-passed bill, except minor technical and perfecting changes. Exclusive of the liberalized survivor provisions and additional funding mechanism added by the Senate amend-

ment, the only substantive change in the House-passed version is with respect to the rate of contribution applicable to Members of Congress. The House version continues the Members' contribution rate at the present 7.5 percent whereas the Senate version raises it to 8 percent—no attempt being made in the Senate to retain the rate of 7.5 percent.

The Senate amendment made changes in other respects, as to costs of crediting military service, surviving spouses' benefits, and surviving children's benefits.

With respect to costs, the total contributions will amount to 14 percent, and under the Senate-passed amendments the normal costs will come to 13.98 percent, leaving a surplus of 0.02 percent.

Under the present cost operating system, normal costs come to 13.86 percent and, by virtue of the change made by the State, the normal cost will be reduced by 0.22 percent so that the new normal cost of present benefits comes to 13.64 percent.

However, the House provisions would add thirteen one-hundredths of 1 percent and, by virtue of the liberalized benefits added by the Senate, which amount to twenty-one one-hundredths of 1 percent, we arrive at a total new normal cost of 13.98 percent of payroll, which is 0.01 percent under the House-passed bill.

The Senate amendment to title I provides that the cost of crediting military service be financed by annual transfers from the Treasury, out of money not otherwise appropriated, to the retirement fund in the same manner as it is proposed to finance the interest on the existing unfunded liability. Ten percent of such costs would begin to be paid starting in 1971, increasing by an additional 10 percent each year until, in 1980 and thereafter, the total costs would be funded by direct transfer. These payments would begin at about \$10 million, rise proportionately over the next 20 years, and peak at approximately \$300 million. Thereafter, these costs will gradually decline to a relatively negligible amount since military service performed after 1956 will, generally, be creditable under the social security system. By so funding, the normal cost of the benefit structure of the civil service retirement system will be reduced by 0.22 percent of payroll, reducing present normal cost from 13.86 percent to 13.64 percent. It will also result in reducing the system's unfunded liability by \$4.7 billion.

Under existing law an employee who retires on disability—after completing at least 5 years of service—is guaranteed a minimum benefit of the smaller of (A) 40 percent of the average salary or (B) the rate obtained under the general formula after increasing the actual service by the time remaining between the date of disability retirement and the attainment of age 60, if either (A) or (B) produces a greater rate than is earned by virtue of his actual service. However, the law stipulates that such guaranteed rate is payable only to the disabled employee, and is not applicable in determining his spouse's survivor rate. Her benefit is 55 percent of only his earned rate.



The Senate amendment removes the latter restriction, and extends to the surviving spouse an annuity based upon the higher guaranteed minimum benefit, where applicable.

Under existing law the spouse and children of an employee have survivor protection only in the event of his death after completing at least 5 years' of service. The Senate amendment would provide such protection upon the employee's death occurring after a total of 18 months of service—similar to the minimum coverage requirement of the social security system.

The amendment extends to the surviving children of such short-term decedents the same dollar benefits provided to children of over-5-years employees. However, its greatest effect is with respect to the spouse's benefit. It grants to the eligible spouse the same computation formula extended to the spouse of a disability retiree; that is, her rate would be computed on the basis of 55 percent of a guaranteed minimum disability benefit, if it exceeds the basic earned annuity. In other words, the basic rate would be determined as though the employee had retired on disability as of the date of his death in active service.

Present law grants basic survivor annuity benefits to eligible children of the smallest of: First, \$50 per month per child, second, \$150 per month divided by the number of children, or third, 40 percent of the employee's average salary. Orphaned children's basic rates are, respectively: First, \$60 per month per child, second, \$180 per month divided by the number of children, or third, 50 percent of the average salary, whichever is smallest. These basic rates are subject to all automatic cost-of-living adjustments occurring since 1965. Generally, the current maximum monthly rates are \$61 and \$183 for children with one parent, and \$72 and \$216 for orphans.

The Senate amendment proposes a fresh start principle by increasing the respective children's basic amounts of \$50, \$150, and 40 percent to \$75, \$225, and 60 percent, and orphan's basic amounts of \$60, \$180, and 50 percent respectively to \$90, \$270, and 75 percent. In application the present actual average rates of \$61 and \$183 would be increased to \$75 and \$225; the present actual average rates of \$72 and \$216 would be increased to \$90 and \$270; and these new basic rates would be further increased by the percentage of all future cost-of-living increases.

Mr. GROSS. Mr. Speaker, I thank the gentleman for his explanation and say to Members of the House that I am still opposed to some provisions of this bill, but if I read the signs correctly—and I believe I do—there is no point in going to conference with it.

I accept the fate of having been defeated on this issue when the measure was originally before the House. I said then, as I now reiterate, that this legislation had the original worthy purpose of bringing order out of chaos in the funding of the Government employees retirement fund, but was then converted into a Christmas tree with goodies for almost everyone.

Let me repeat my belief that it would be futile to attempt to overturn in a conference the action of the House and Senate. However, I still strongly oppose enactment of this legislation in its present form.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. DERWINSKI. Mr. Speaker, reserving the right to object. The gentleman from New Jersey has made an explanation, but like my distinguished colleague, the gentleman from Iowa, I recognize the facts of life and feel that there is no further point in debating this bill except merely to clarify some things for the Members. Does the gentleman have any idea as to what cost will now be attributed to the high 3-year-service feature, calculated as to the impact on immediate retirement of many people in the service? Does the gentleman have any figures to show the possibilities in that area?

Mr. DANIELS of New Jersey. I understand a number of people will be retiring shortly after enactment of the bill, if that be the will of the President. I have received many, many inquiries from Members as to the status of this bill, both after the House passed it and while action was pending thereon in the Senate, and since last week when the Senate passed this bill. I believe there will be a considerable number who will retire. This bill will save, perhaps, the administration some embarrassment of firing people to cut back defense spending. Because by people retiring, it will also open the doors for many young people to come into the Government service, and for younger employees to move up the ladder.

Mr. DERWINSKI. It is not my purpose to go into unnecessary speculation about the acts of this administration unless we in Congress exercise some leadership in this bureaucracy in doing away with many of the programs we have started. But like the gentleman from Iowa, I feel that the Senate version is an improvement on the bill passed in the House. I think the gentleman from New Jersey is correct in recommending that we accept the Senate version.

Mr. Speaker, now that the Senate has worked its will on the civil service retirement bill, H.R. 9825, and it is obviously moving toward enactment, I would be delinquent if I did not make some observations which I feel are pertinent at this point.

I first want to commend our distinguished colleagues in the other body for improving in two instances a bill which I did not favor as it passed the House. One improvement is the increase from 7½ percent to 8 percent of the retirement deduction rate for Members of Congress. Fairness dictates that if we insist that all other Federal employees pay an additional one-half percent into the retirement fund that Members of Congress should do the same.

I also admire the Senate action in amending the bill so that costs attributable to the crediting of military service be financed annually by the same method

as the financing of interest on the unfunded liability of the retirement fund. It was, after all, the idea of Congress to permit credit for military service and so the cost should not be charged to the fund as a whole, as it has in the past, but should be covered by annual payments by the Government.

I must, however, restate my strong disagreement with the provision remaining in the bill which permits retirement service credit for the calendar value of unused sick leave. This is a departure from the basic concept that has governed the use of sick leave since its inception in the Federal system. The basis for sick leave under our system is to insure against the loss of income during periods of illness. All employees have the same right to draw upon sick leave if necessary, but nothing is owed the employee who enjoys good health and does not have to draw upon his reserve. This sick leave provision, as it becomes law, will discriminate against the employee who happened to be burdened with illness.

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

Mr. MICHEL. Mr. Speaker, further reserving the right to object, did I correctly understand the gentleman to say that under the bill about to be accepted, if it is, that our contribution as Members of Congress to the retirement fund will be increased from 7½ percent to 8 percent?

Mr. DANIELS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Your understanding is correct. Our contribution will be increased from 7½ percent to 8 percent, with the Government contributing a similar sum into the retirement fund.

Mr. MICHEL. Further reserving the right to object, I should like to make the observation that some of the newspapers at home carry front-page accounts about how we are raising our salary again, raising our annuities. I have been opposed, frankly, to liberalizing that 5-year high base to 3 years. Personally, I do not like to see the increase from 7½ percent to 8 percent. I am grateful for what I may get someday and I do not think it ought to be increased. The thought occurs to me that our late senior Senator, who died a few weeks ago, was a Member of this body and a Member of the other body since 1932, except for 2 years. Over that vast expanse of years he contributed to this retirement fund. In that particular kind of case, the Senator contributed into the fund for 37 years and died without realizing an annuity. Now his widow qualifies, as I understand the system, for a 55-percent survivorship of what the Senator earned, but if she is in the twilight of her years, she may never realize in benefits anywhere near the amount her husband had contributed to the fund. There is provision, I believe, for the balance of premiums paid in to go to one's estate, but that is it.

October 7, 1969

Certainly it is not any real bonanza. when one considers the amount of the contributions over some 32 years.

Have there been any studies made of the number of senior Members of this body and the other body who die after contributing over a period of 20 or 30 or 40 years to this program and never fully realize what they paid for in their 7½ or now 8 percent of salary deductions?

Mr. DANIELS of New Jersey. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from New Jersey.

Mr. DANIELS of New Jersey. Mr. Chairman, I agree with the gentleman from Illinois. There is no real bonanza for the Members of Congress.

Our subcommittee did not go into the particular subject matter the gentleman has discussed, but I understand another subcommittee did go into this matter in considering the retirement benefits for the civil employees of the Foreign Service. I am not familiar with what that study showed, but I fully agree with the gentleman, that there are no "bundles for Congress" in this bill, regardless of what the news media says.

Mr. MICHEL. Mr. Speaker, I am happy to hear the gentleman's response to that question.

Mr. HAYS. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Ohio (Mr. HAYS).

Mr. HAYS. Mr. Speaker, I chaired the subcommittee that went into this matter. As I said before, during the debate on this bill earlier, this fund for Members of Congress, if it were separated out and stood alone, would show it has accumulated a bonanza for the Government, in spite of the fact that when it was passed everybody was blanketed in without any prior contributions or without having to go back and pay for prior years of service, and in spite of the fact that for about half the time or more of the time, the Government did not put its share of contributions in.

I do not recall the figure off the top of my head at this moment, but I think it was approximately \$12 million or \$16 million more which was paid in than has ever been paid out—and that in spite of the fact the Government did not make its contribution and in spite of the fact the people who were here in 1946, when it was passed, and who had been here for 20 or 30 or 40 years were blanketed in. So there has not been really any steal from the taxpayers at all.

Mr. MICHEL. I thank the gentleman.

Mr. Speaker, I withdraw my reservation of objection.

Mr. HOGAN. Mr. Speaker, I am very pleased to have been a cosponsor of this legislation which will resolve the financial crisis facing the retirement fund today. At the same time we are fulfilling an obligation long overdue our civil servants by committing the Government to maintaining the integrity of the civil service retirement fund and insuring that there will always be enough money in the fund to permit payment of all benefits—in full and on time—to all past, present, and future Federal employees.

I urge the Members of this body to give our Government workers one more vote of confidence by unanimously ac-

cepting the Senate amendments to H.R. 9225, permitting prompt transmittal of this measure to the President for his signature into law, a moment long awaited by civil service employees of the Fifth District of Maryland.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE TO EXTEND

Mr. DANIELS of New Jersey. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to extend their remarks on H.R. 9825.

The SPEAKER. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

#### RESIGNATION AS MEMBER OF NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

The SPEAKER laid before the House the following communication, which was read:

OCTOBER 1, 1969.

HON. JOHN W. McCORMACK,  
*Speaker of the House of Representatives,  
The Capitol.*

DEAR MR. SPEAKER: It is with regret that that I respectfully submit my resignation as a member of the National Commission on Reform of Federal Criminal Laws. As you know, Mr. Speaker, I do not plan to run for reelection to Congress and I think it appropriate that I be replaced at this time by another Member of the House of Representatives.

I enjoyed my service on the National Commission on Reform of Federal Criminal Laws with its distinguished Chairman, The Honorable Edmund G. Brown.

Sincerely,

DON EDWARDS,  
*Member of Congress.*

#### APPOINTMENT AS MEMBER OF NATIONAL COMMISSION ON REFORM OF FEDERAL CRIMINAL LAWS

The SPEAKER. Pursuant to the provisions of section 2(a), Public Law 89-801, the Chair appoints as a member of the National Commission on Reform of Federal Criminal Laws the gentleman from Illinois, Mr. MIKVA, to fill the existing vacancy thereon.

#### PERSONAL ANNOUNCEMENT

Mr. DULSKI. Mr. Speaker, I was absent from the House session on Monday, October 6, because of a death in our family in Buffalo, N.Y.

Had I been present and voting, I would have voted "yea" on rollcalls Nos. 203, 204, and 205. On rollcall 202, I would have voted "nay."

#### ANTI-INFLATION CAMPAIGN

(Mr. O'HARA asked, and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. O'HARA. Mr. Speaker, on June 2, I read into the RECORD a newspaper article describing how the Advertising Council, an offshoot of the U.S. Chamber of Commerce, was hoping to launch an anti-inflation campaign to "condition the collective mind so that when something is done, they will know it to be in their best interests." The quote is from an official of the Advertising Council.

Well, this administration has been doing its best to fight inflation. And yesterday, the Bureau of Labor Statistics of the U.S. Department of Labor announced that unemployment had risen to its highest level in 2 years. The increase—equal to one-half of 1 percent of the entire labor force—was the biggest monthly increase since the last time the Republicans were in office.

We are told by the Washington Post:

Some administration economists, most notably Assistant Treasury Secretary Murray L. Weidenbaum, viewed the increase in joblessness as evidence the Government's anti-inflation program is beginning to take hold.

Mr. Speaker, I do not think the people of this country have yet had their collective mind conditioned by the advertising council to the point where they are going to accept the administration's view that a little unemployment is good for you.

Prices continue to rise. The President opposes tax relief for the middle-income taxpayer, but supports more tax relief for those who already have most of the loopholes. The Federal Reserve Board continues with its policies of increasing the prices the banks can charge us to use our money.

Taken as a whole, Mr. Speaker, one can only agree with the Assistant Secretary of the Treasury. The administration's anti-inflation fight has indeed begun to "take hold."

It has begun to reduce full employment so that business can keep labor in line through fear of unemployment. It has begun to generate public pressure against domestic programs which might improve the position of those most in need. And it has done so without holding down prices and profits for the natural supporters of the Republican Party.

Mr. Speaker, I have a modest proposal. If increased unemployment is going to be sold to us as an anti-inflation measure, may I suggest that the unemployment start with the guy who thought up that argument?

#### RAILS, RULES, AND RUIN AT FORT ROBINSON

(Mr. ADAMS asked and was given permission to address the House for 1 minute, to revise and extend his remarks and include extraneous matter.)

Mr. ADAMS. Mr. Speaker, the problem of inadequate rail service for passengers was the subject of a special order last month and over 90 Members have joined with me in sponsoring a bill to authorize the Interstate Commerce Commission to require adequate standards of service on the Nation's passenger trains. This is a proposed solution to part of the whole problem of